

REMARKS/ARGUMENTS

Claims 9-12, 21-24, and 27-28 have been examined and rejected. Claims 1-8, 13-20, and 25-26 were previously withdrawn from consideration due to the election of group II. The present response amends claims 9, 11, 21, 23, and 27-28. Accordingly, claims 9-12, 21-24, and 27-28 remain pending. Reconsideration and allowance of all pending claims are respectfully requested.

Claims 9-12, 21-24, and 27-28 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,371,734 issued to Fischer in view of U.S. Patent No. 6,490,727 issued to Nazarathy, et al. It is respectfully submitted that the rejection is improper and should be withdrawn. A prima facie case of obviousness under 35 U.S.C. 103(a) requires that each limitation be disclosed or suggested by at least one of the relied upon references.

This requirement has not been met for any of the rejected claims. The independent claims 9, 11, 21, 23, and 27-28 all require the measurement of receiver gain based on a measurement of signal strength within a receiver. Independent claims 9, 21, and 27 require that the measurement be made in a quiet period. Independent claims 11, 23, and 28 are directed to a multiple antenna receiver system and require that the measurement be made when the antenna connected to the receiver chain under test can be disconnected due to an indication of excellent reception quality. To expedite prosecution and clarify, the independent claims have been amended to further recite that the gain measurement is also based at a known noise level. The cited references do not disclose or suggest these features.

The text cited in columns 16 and 17 of Fischer describes the operation of a modem and mentions a "received signal strength indication (RSSI) signal representing the energy of the received demodulated signal." This is in a sense the opposite of what the independent claims require since the recited measurement is not based on a received signal but is rather made during a quiet period when no received signal is expected. Gain is then determined based on a measured signal strength and a known noise level. Independent claims 9, 11, 21, 23, and 27 are therefore

allowable over the art of record. Claims 10, 12, 22, and 24 are allowable for at least the reason of their dependence from the allowable independent claims.

The Specification has been amended to correct a minor typographical error.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8694.

Respectfully submitted,



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